

United States District Court

For the Northern District of California

10 UNITED STATES OF AMERICA,

No. CR 05-00611 WHA

11 Plaintiff,

12 v.

13 KURT F. JOHNSON and DALE SCOTT
14 HEINEMAN,

**ORDER DENYING
DEFENDANTS' MOTION
TO DISMISS INDICTMENT**

15 Defendant.

16 _____ /
17 In 2008, defendants Kurt Johnson and Dale Scott Heineman were convicted of
18 conspiracy to commit mail fraud and multiple counts of mail fraud. Their convictions were
19 recently affirmed by the United States Court of Appeals for the Ninth Circuit. Defendants have
20 now filed a submission styled as a "motion to dismiss the indictment" in this action. This
21 motion is untimely and does not relate to any pending indictment. It is therefore **DENIED**.

22 **IT IS SO ORDERED.**

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24 Dated: August 12, 2010.
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28 WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE